

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: Q76973

Gerard VERGNAUD, et al.

Application No.: 10/647,255

Group Art Unit: 2154

Confirmation No.: 3044

Examiner: Michael E. KEEFER

Filed: August 26, 2003

For: METHOD AND A SERVER FOR ALLOCATING LOCAL AREA NETWORK
RESOURCES TO A TERMINAL ACCORDING TO THE TYPE OF INVENTION

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits
this Reply Brief in response to the Examiner's Answer dated February 6, 2008. Entry of this
Reply Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 1-44 are all of the pending claims in the application and are the subject of this appeal.

Claims 1-16, 21-23, and 25-42 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Appl'n Publ'n No. 2002/0075844 A1 to Hagen ("Hagen") in view of U.S. Patent No. 6,408,336 to Schneider ("Schneider").

Claims 17-20 and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hagen in view of Schneider and Comer, "Internetworking with TCP/IP Vol. 1".

Claims 43 and 44 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hagen in view of Schneider.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 1-16, 21-23, and 25-42 are unpatentable under 35 U.S.C. § 103(a) over U.S. 2002/0075844 A1 to Hagen (“Hagen”) in view of U.S. Patent 6,408,336 to Schneider (“Schneider”).

B. Whether claims 17-20 and 24 are unpatentable under 35 U.S.C. § 103(a) over Hagen in view of Schneider and Comer, “Internetworking with TCP/IP Vol. 1”.

C. Whether claims 43 and 44 are unpatentable under 35 U.S.C. § 103(a) over Hagen in view of Schneider.

ARGUMENT

Appellant stands by the arguments presented in the December 28, 2007 Appeal Brief. Additionally, Appellant provides the following remarks in response to the Examiner's Answer, dated February 6, 2008.

The Examiner first contends that "Applicant argues that Schneider does not teach that exclusively by encryption will access be granted to resources." Appellant has made no such argument, but has instead relied upon the language of claim 1. Since the Examiner's language is unduly confusing, appellant endeavors again to clarify the issues as follows.

To paraphrase, claim 1 requires "control means" adapted to classify terminals into two groups. This classification is made "according to whether or not" terminals are adapted to establish encrypted communications. The "control means" is further adapted to allocate resources of the local area network to these terminals "as a function of whether they are classified in said first group or said second group."

In contrast, the cited portion of Schneider, namely col. 10, lines 6-34, teaches the use of a "trust level" for determining whether access to a resource is appropriate for a certain request from a user. Schneider states that "[T]he sensitivity level of a resource is . . . a value that indicates the trust level required to access the resource." (Schneider at col. 10, lines 6, 7.)

Thus, in Schneider, access to resources is granted as a function of both the trust level of the access request, and the sensitivity level of the resource. The system of Schneider is designed such that when the trust level is greater than the sensitivity level for a resource, access is granted. In the system of Schneider, therefore, resources are not allocated as a function of a classification

of terminals into two groups, but rather, are allocated based on a comparison of a complex “trust level” to a threshold value, namely the sensitivity level, which differs for different resources.

Furthermore, the consideration of encryption in the above-cited portion of Schneider is clearly distinguishable from the requirement of claim 1. As established above, Schneider does not classify terminals into two groups, and in fact, does not classify terminals according to whether or not they are capable of encrypted communication.

Schneider, states that “if the access request is encrypted, the trust level of the encryption technique used” is considered as a component of the trust level. Thus, according to this portion of Schneider, the only difference in apparent treatment between access requests which are encrypted or capable of encryption, as opposed to access requests which are not, is that where encryption is used the trust level of the encryption should be considered as a component of the trust level. Moreover, Schneider appears only to contemplate the trust level of encryption used, and nowhere describes considering whether or not a terminal is adapted to perform encrypted communication, much less the classification of terminals into two groups on such a basis, and allocation of resources to classified terminals based on their group classification.

In view of the foregoing, Appellant respectfully submits that the rejection of claims 1-44 should be reversed.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

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